

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1008 be amended to read as follows:

- 1 Page 9, line 36, after "budget." insert "**The regional development**
- 2 **authority shall pay at least ten million dollars (\$10,000,000) of the**
- 3 **distribution received under this subdivision to an airport authority**
- 4 **that is carrying out an airport expansion project described in**
- 5 **IC 36-7.5-2-1(2)."**
- 6 Page 9, line 38, delete "county that establishes a local" and insert "**of**
- 7 **the following counties:"**.
- 8 Page 9, delete line 39.
- 9 Page 10, line 3, after "IC 8-14-16-1(7)." insert "**The county shall**
- 10 **pay at least five million dollars (\$5,000,000) of the distribution**
- 11 **received under this clause to an airport authority that is carrying**
- 12 **out an airport expansion project described in IC 36-7.5-2-1(2)."**
- 13 Page 10, line 37, delete "fund under" and insert "**money received by**
- 14 **the authority under a public-private agreement concerning the**
- 15 **Indiana Toll Road entered into under IC 8-15.5".**
- 16 Page 10, line 38, delete "sections 6 and 7 of this chapter".
- 17 Page 10, line 41, delete "a" and insert "**that**".
- 18 Page 10, line 41, delete "concerning the Indiana" and insert ".".
- 19 Page 10, line 42, delete "Toll Road entered into under IC 8-15.5".
- 20 Page 11, between lines 15 and 16, begin a new line block indented
- 21 and insert:
- 22 **"(7) Amounts allocated to the bond retirement account of the**
- 23 **toll road fund under IC 8-15.5-11-4.**
- 24 **(8) Amounts allocated to the administration account of the toll**
- 25 **road fund under IC 8-15.5-11-4."**
- 26 Page 11, line 32, after "IC 8-15.5-11" insert "**to be used exclusively**
- 27 **for the provision of highways, roads, and bridges".**
- 28 Page 11, line 33, delete "highways, streets, roads, and other related
- 29 transportation" and insert "**those facilities."**
- 30 Page 11, delete line 34.

- 1 Page 11, line 36, delete "a" and insert **"the"**.
- 2 Page 11, line 36, after "purpose" insert **"provided in this section"**.
- 3 Page 13, delete lines 34 through 42.
- 4 Page 14, delete lines 1 through 2.
- 5 Page 14, line 3, delete "Sec. 5." and insert **"Sec. 2."**.
- 6 Page 14, line 4, delete "by a county".
- 7 Page 14, delete lines 6 through 15, begin a new paragraph and insert:
- 8 **"Sec. 3. (a) Except as provided in subsection (b), money**
- 9 **distributed to a county described in section 1 of this chapter from**
- 10 **the major moves construction fund under IC 8-14-14-6(a)(3) shall**
- 11 **be distributed by the county auditor among the county and each of**
- 12 **the cities and towns in the county that is eligible to receive a**
- 13 **distribution from the motor vehicle highway account under**
- 14 **IC 8-14-1, in the same proportion among the county, cities, and**
- 15 **towns as funds are distributed from the motor vehicle highway**
- 16 **account under IC 8-14-1.**
- 17 **(b) Money designated for payment to an airport authority**
- 18 **under IC 8-14-14-6(a)(3) is not subject to distribution under this**
- 19 **section."**
- 20 Page 14, line 16, delete "Sec. 9." and insert **"Sec. 4."**.
- 21 Page 14, line 16, delete "described in section 1" and insert **", city, or**
- 22 **town that receives a distribution under section 3"**.
- 23 Page 14, line 18, after "county" insert **", city, or town"**.
- 24 Page 14, line 19, delete "IC 8-14-14." and insert **"section 3 of this**
- 25 **chapter."**
- 26 Page 14, line 20, delete "county auditor" and insert **"fiscal officer of**
- 27 **the county, city, or town"**.
- 28 Page 14, line 21, delete "The county fiscal body, after consulting
- 29 with the county" and insert **"Subject to subsection (f), the fiscal body**
- 30 **of the county, city, or town"**.
- 31 Page 14, line 22, delete "executive,".
- 32 Page 14, line 23, delete "section 10" and insert **"section 5"**.
- 33 Page 14, between lines 28 and 29, begin a new paragraph and insert:
- 34 **"(f) A county fiscal body must consult with the county executive**
- 35 **before making an appropriation under this section."**
- 36 Page 14, line 29, delete "Sec. 10." and insert **"Sec. 5."**.
- 37 Page 14, delete lines 31 through 42, begin a new line block indented
- 38 and insert:
- 39 **"(1) Construction of highways, roads, and bridges.**
- 40 **(2) In a county that is a member of the northwest Indiana**
- 41 **regional development authority, or in a city or town located**
- 42 **in such a county, any purpose for which the regional**
- 43 **development authority may make expenditures under**
- 44 **IC 36-7.5."**
- 45 Page 15, delete lines 1 through 29.

- 1 Page 15, line 30, delete "(11)" and insert "(3)".
- 2 Page 15, line 30, after "projects" insert "(as defined in
- 3 **IC 6-3.5-7-13.1)**".
- 4 Page 15, line 32, delete "(12)" and insert "(4)".
- 5 Page 15, line 34, delete "(13)" and insert "(5)".
- 6 Page 16, line 29, delete "." and insert "**to a state agency or political**
- 7 **subdivision.**".
- 8 Page 18, between lines 31 and 32, begin a new paragraph and insert:
- 9 "SECTION 9. IC 8-15-2-5.2 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE UPON PASSAGE]: **Sec. 5.2. The authority may not**
- 12 **sell, convey, or mortgage a toll road project.**".
- 13 Page 25, delete lines 40 through 42.
- 14 Page 26, delete lines 1 through 24.
- 15 Page 27, between lines 33 and 34, begin a new paragraph and insert:
- 16 "**Sec. 3. The general assembly finds and determines that:**
- 17 (1) **the state has limited resources to fund the maintenance**
- 18 **and expansion of the state transportation system, including**
- 19 **toll roads, and therefore alternative funding sources should be**
- 20 **developed to supplement public revenue sources;**
- 21 (2) **the Indiana finance authority should be authorized to**
- 22 **solicit, evaluate, negotiate, and administer agreements with**
- 23 **the private sector for the purposes described in subdivision**
- 24 **(1); and**
- 25 (3) **it is necessary to serve the public interest and to provide**
- 26 **for the public welfare by adopting this article for the purposes**
- 27 **described in this article.**".
- 28 Page 30, line 8, after "Sec. 7." insert "(a)".
- 29 Page 30, between lines 12 and 13, begin a new paragraph and insert:
- 30 "**(b) In determining whether one (1) or more responsible**
- 31 **offerors are reasonably capable of being selected for a**
- 32 **public-private agreement, the authority must consider all of the**
- 33 **following:**
- 34 (1) **The responsible offeror's expertise, qualifications,**
- 35 **competence, skills, and know-how to perform its obligations**
- 36 **under the proposed public-private agreement in accordance**
- 37 **with the public-private agreement.**
- 38 (2) **The financial strength of the responsible offeror, including**
- 39 **its capitalization.**
- 40 (3) **The experience of the responsible offeror in operating toll**
- 41 **roads and highways and other similar projects and the**
- 42 **quality of the responsible offeror's past or present**
- 43 **performance on other similar or equivalent projects.**
- 44 (4) **The integrity, background, and reputation of the**
- 45 **responsible offeror, including the absence of criminal, civil, or**
- 46 **regulatory claims or actions against the responsible offeror.**

(c) The requirements set forth in subsection (b) also apply to the approval by the authority of any successor or replacement operator under the public-private agreement after the execution of the public-private agreement under section 11 of this chapter.

(d) In making its determination under subsection (b) or (c), the authority shall consider the offeror or operator as well as any private entity that controls the actions of the offeror or operator."

Page 40, between lines 27 and 28, begin a new line block indented and insert:

"(5) Amounts transferred to the fund under subsection (i)."

Page 41, between lines 2 and 3, begin a new paragraph and insert:

"(i) As soon as practicable after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall determine the total balance remaining in all toll road funds and accounts established under IC 8-15-2. Subject to any applicable trust indentures securing toll road bonds, the authority may retain from those funds and accounts the amounts necessary to pay outstanding obligations with respect to the operation of the Indiana Toll Road incurred before the effective date of the public-private agreement, and shall transfer all remaining balances in the toll road funds and accounts to the fund."

Page 42, line 4, after "to" insert **"the"**.

Page 42, line 4, delete "account." and insert **"fund."**.

Page 42, between lines 4 and 5, begin a new line blocked left and insert:

"In addition, any amounts transferred to the fund under section 3(i) of this chapter after the date described in this subsection shall be transferred to the major moves construction fund."

Page 42, line 38, delete "any" and insert **"at least a one percent (1%)"**.

Page 42, line 40, delete "any" and insert **"at least a one percent (1%)"**.

(Reference is to EHB 1008 as printed February 24, 2006.)

Senator MEEKS